

**MINUTES
of the
THIRD MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**August 28-29, 2014
Albuquerque Indian Center and Pueblo of Laguna**

The third meeting of the Indian Affairs Committee (IAC) was called to order at 10:20 a.m. on Thursday, August 28, by Senator John Pinto, co-chair, at the Albuquerque Indian Center in Albuquerque.

Present

Sen. John Pinto, Co-Chair
Rep. Sandra D. Jeff, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado
Rep. Sharon Clahchischilliage
Rep. Patricia A. Lundstrom (8/29)
Rep. James Roger Madalena
Sen. Richard C. Martinez
Sen. Cliff R. Pirtle (8/29)
Sen. Nancy Rodriguez
Sen. John C. Ryan (8/29)
Sen. Benny Shendo, Jr. (8/28)
Sen. William P. Soules

Absent

Rep. Jane E. Powdrell-Culbert

Advisory Members

Rep. Ernest H. Chavez
Sen. Carlos R. Cisneros
Rep. Georgene Louis
Sen. Cisco McSorley
Rep. Debbie A. Rodella
Rep. Patricia Roybal Caballero
Rep. Nick L. Salazar
Sen. Clemente Sanchez

Rep. Zachary J. Cook
Sen. Stuart Ingle
Sen. Daniel A. Ivey-Soto
Rep. Antonio "Moe" Maestas

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)
Mark Edwards, Staff Attorney, LCS
Michele Jaschke, Researcher, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Thursday, August 28 — Albuquerque Indian Center**Invocation and Introductions**

Senator Pinto called the meeting to order at 10:20 a.m. Kelly K. Zunie, deputy secretary, Indian Affairs Department (IAD), gave an invocation, and the committee members and members of the audience introduced themselves.

Albuquerque Indian Center (AIC) Status Update

Ki Tecumseh, board chair, AIC, and Mary Garcia, executive director, AIC, presented an overview of the services that the center provides and how it functions. The AIC facility was originally built with federal Department of Housing and Urban Development funding, and the AIC provides services to a homeless population that is composed of predominantly urban Native Americans. However, the AIC is open to, and used by, people from various backgrounds. A client must pay a \$2.00 per month co-pay to use the services. Aside from helping to pay the center's bills, AIC staff have found that this fee requirement builds a sense of co-ownership within their client base.

Ms. Garcia stated that currently the AIC is mostly providing basic living assistance to clients, including food distribution, provision of a mailing address and provision of a place to keep files for personal identification and other legal documents. The AIC serves lunches daily to between 120 and 150 people, and a larger population of 750 to 800 people use the center for their mailing addresses. Ms. Garcia then thanked the members for supporting \$20,000 in capital outlay to purchase computers for the center.

Mr. Tecumseh highlighted that the mailing address and record-keeping functions are critical services for homeless people. He cited a recent example where two homeless people, Kee Thompson and Allison Gorman, had been murdered in Albuquerque. Mr. Tecumseh said that the AIC's records had been used to help identify the victims.

Ms. Garcia then noted some of the challenges facing the AIC. One key concern is personal safety. The center is in an area noted for violence, and this poses real safety challenges for AIC clients and staff. A second challenge is that the AIC is struggling to provide basic services. In the past, the AIC received a combination of state and city funding, but the city funding was cut. As a result, AIC's payroll for its staff is typically delayed by three to four weeks. The center has also been in danger of losing water service, a critical service for the AIC as it maintains a garden to provide fresh vegetables as part of its lunch program. Mr. Tecumseh

highlighted the funding challenge, stating that the center survives because of a lot of volunteer help.

Looking to the future, Ms. Garcia expressed a desire to reestablish services that the AIC traditionally has been able to provide. She said that for many years, the AIC has been able to provide a variety of counseling and job-search services. At the height of its operations in 2010, the AIC had five certified counselors on staff who were able to provide tobacco-prevention programs, substance abuse counseling and a variety of personal counseling services. Current funding only permits the AIC to maintain a few sessions of group counseling, and the limited counseling is proving inadequate.

In conclusion, Ms. Garcia stated that AIC staff has met with outgoing Navajo Nation President Ben Shelly, who had pledged to provide financial support for the center. However, Ms. Garcia expressed concern that that support might be lost as the Navajo Nation changes administrations. In order to meet its service goals, the AIC is requesting that the legislature increase state funding for the AIC to \$210,000 annually.

In the ensuing general discussion, the presenters stated that the center did not have a particular program to help people move back into their communities. However, they stated that AIC staff tries to help people return to their communities for cultural and religious events. Asked to list the specific services that were cut when the AIC lost city funding, the presenters listed employment training, job placement, assisting people in getting high school equivalency degrees and counseling (particularly a prevention program for substance abuse and a program that provided domestic violence therapy).

As the discussion turned to available assistance programs, the presenters said that the Medicaid program has recently dedicated a staff person to help AIC clients fill out Medicaid service forms. The presenters also said that the AIC has had success in getting federal Community Development Block Grant (CDBG) funding to rehabilitate and expand the AIC facility. However, CDBG funding is limited to bricks-and-mortar projects and cannot be used to fund services.

Regarding funding from other sources, the presenters stated that last year the AIC had received \$20,000 in funding from the Navajo Nation. Based on their meeting with President Shelly, they believe that funding will go up to \$50,000 for next year. In regard to funding from pueblos, the AIC has had one personal contact with a pueblo official but has relied mostly on mailed requests to the pueblo governments. So far, the AIC has not received a response.

Similarly, the AIC has not received positive responses from the City of Albuquerque or Bernalillo County. The presenters expressed puzzlement about Albuquerque funding decisions. They stated that the AIC had received city funding for 15 years prior to the funding being cut off in 2010. At that point, the City of Albuquerque went to a bid process for homeless services. Originally, the AIC was the only entity to make a bid, but the city was dissatisfied with the bid

for reasons it did not explain. The presenters stated a belief that Albuquerque's current funding for homeless services is going to First Nations Community HealthSource.

Asked to explain the difference in services provided by the AIC and First Nations Community HealthSource, the presenters explained that First Nations Community HealthSource is solely a health-service provider. In contrast, while the AIC provides many other services, it does not provide health services. A committee member requested that a representative of First Nations Community HealthSource be invited to a future meeting to give a presentation to the committee about their organization's services and to participate in a discussion about possible collaboration with the AIC to provide coverage for the range of service needed.

Motion

Representative Madalena made a motion to draft a \$210,000 funding bill for AIC operations, with the IAD designated as the fiscal agent. The motion was seconded by Representative Jeff and passed without objection.

Responding to the AIC's concern about the upcoming change in administration in the Navajo Nation, a committee member voiced a belief that the Navajo Nation Council should be informed about the AIC's programs and that 70% of AIC's clientele is Navajo. A committee member recommended that the AIC presenters immediately contact interim Navajo Nation Council Speaker LoRenzo Bates' office to request that the AIC give a presentation to the Naabik'iyati' (Let's Talk) committee.

Committee members also thanked the AIC presenters for highlighting the issues raised by the recent murders of homeless Native Americans in Albuquerque.

Tribal Infrastructure Funds (TIF): Board Funding and Funded Projects

Arthur P. Allison, secretary, IAD, and Graham Knowles, infrastructure manager, IAD, began their report on the TIF program by giving an overview of the Native American communities that are eligible for the program. They noted that New Mexico contains all or part of 24 different Indian nations, including 54 chapters of the Navajo Nation. Mr. Knowles pointed out that the IAD had worked with the staff of the Legislative Finance Committee to come to an agreement on the population figures listed in the IAD's handout.

Mr. Knowles pointed to figures in the handout stating that, since its inception in 2006, 156 projects have been funded through the TIF program, totaling nearly \$70 million. He said that in a typical year, the TIF program funds 17 projects, totaling about \$7 million. The TIF board reserves at least 10% of its funding for project planning. In allocating funds, the TIF board evaluates projects using four criteria: 1) will a project meet a critical need within a community; 2) is the project listed as a priority in the Infrastructure Capital Improvement Plan (ICIP) for the requesting entity; 3) are there matching funds from project beneficiaries or from the communities that the project will benefit; and 4) is the project ready to proceed and is it able to use at least

85% of the funds within 18 months and all of the funds within 24 months. This last criterion is a federal tax requirement for the bonds that fund the TIF program.

Responding to questions from committee members, Mr. Knowles explained that the TIF program funds a variety of projects, including adult daycare centers, affordable housing, economic development enterprise zones and water/wastewater projects. He said that the distribution of projects among communities has been driven by the capacity of those communities to bring projects forward. He noted that a number of pueblos have strong organizational capacities and, therefore, have outpaced others in developing robust project proposals. Mr. Knowles said that the IAD is looking for ways to place all of the TIF-eligible communities on an equitable playing field for TIF funding.

Responding to a question about project size, the presenters acknowledged that the TIF program has a funding-size limitation. The TIF board restricts funding of any one project to no more than 10% of the TIF. Effectively, that creates a \$1.4 million cap for an individual project. The \$3 million Pueblo of Santa Clara water/wastewater project is a notable exception to the TIF board's preference for small projects. The TIF board also has placed a \$200,000 cap for project planning. However, the board is reexamining this policy because many requesters are simply asking for the maximum funding without performing a proper analysis of what amount of funding a project really needs.

The committee then entered into a general discussion on accuracy and completeness of the various figures and charts included in the IAD's handout. The presenters noted that staff turnover at the IAD may have been a factor in explaining why the pie charts are incomplete. Several committee members also questioned the validity of the population figures for the different tribal communities listed in the handout. The presenters acknowledged that getting accurate figures is an ongoing concern. They stated that tribal governments tend to view their own census tracking as proprietary information. Therefore, unless a given tribe volunteers its internal data, the IAD is limited to federal census figures. Mr. Knowles further stated that the IAD is working hard to build an accurate database for projects and populations. He appreciated the committee's feedback and said that the IAD will, in the future, cite the source materials it uses when presenting information.

Noting the questions about the data in the handout, Representative Jeff requested that the IAD revise the handout for the committee and include a list of all projects submitted to the TIF program and reasons why the projects were either approved or denied.

The discussion then turned to why TIF funding has not been used for road projects. Secretary Allison noted that roads are extremely expensive, and the state and the Navajo Nation have separate, dedicated road funds. He said that the IAD tries to work with the New Mexico and Navajo departments of transportation (DOTs) about their respective priorities so that the IAD can partner with them when appropriate. Secretary Allison noted that the Navajo DOT's focus is

on school routes. A committee member remarked that road funding had been purposefully left out of TIF legislation because road costs would overwhelm the TIF program.

A committee member then asked a specific question about operating funds for the Regional Adult Daycare Center at the Pueblo of Santa Clara. Secretary Allison said that he would contact the Aging and Long-Term Services Department to follow up on that question.

More generally, Secretary Allison stated that the IAD tracks all of the legislative bills that focus on Native American communities and, prior to the governor's review of bills, submits a report to the governor on the bills that passed. An issue arises when a particular project authorization is not listed in the Department of Finance and Administration's ICIP.

Commenting that the committee needs to see the whole picture of state funding going into Indian Country, a committee member requested that the IAD create a chart of all state appropriations to Native American communities, not just a chart of TIF projects. Particularly, the IAD was requested to list projects that have funding but are likely to lose that funding before it is used because the funds will revert back before being used. A committee member questioned why there is such a high rate of turnover at the IAD. A committee member said that the IAD needs to retain institutional knowledge.

In response, Secretary Allison said that the staffing picture has improved. At one point, the IAD had only 53% of available staff positions filled. Now, only the chief financial officer position remains open. However, he said, the IAD has an ongoing problem of matching opportunities available with experienced staff.

Honoring Native Life (HNL): Native American Suicide Prevention Clearinghouse

Robyn Atencio, acting health services director, Five Sandoval Indian Pueblos; Sheri Lesansee, program manager, Center for Rural and Community Behavioral Health (CRCBH), University of New Mexico (UNM); and Doreen Bird, program specialist, CRCBH, UNM, gave a presentation on a new collaborative program for suicide prevention that was created in 2013 by Senate Bill 447 (Section 9-7-11.5 NMSA 1978).

As an initial point, citing United States census and Albuquerque epidemiology data, the presenters stated that New Mexico suicide rates rank second in the United States.

The presenters outlined that the Native American Suicide Prevention Advisory Council established by the new law includes representatives from pueblo, Apache, Navajo and urban Native American communities and from the UNM Board of Regents. They stated that the HNL program is developing a suicide prevention toolkit for communities that is based on wrap-around services, including alcohol and substance abuse counseling and culturally based suicide prevention therapies. They also said that the HNL program, with its inclusion of a state university medical program in a culturally based suicide prevention program, is receiving attention around the country as a model that may be copied elsewhere.

Ms. Lesensee said that the law requires that the Native American Suicide Prevention Advisory Council meet at least two times per year and that it has only had the opportunity to meet three times thus far. She indicated that the HNL is currently in the process of establishing its infrastructure and programs. Noting that part of the HNL's mandate is to provide training and technical assistance to Native American communities, she highlighted the HNL's outreach efforts. As a foundational element, UNM has established an HNL web site that is being continually modified based on feedback from client communities. In addition, she said that HNL staff have met with the Gallup methamphetamine addiction treatment program; worked with the Pueblo of Isleta behavioral health program on a statewide youth meeting; received assistance from the Pueblo of Zuni, the Navajo Nation and the New Mexico Inter-Tribal Community Services Council; and helped develop a town hall meeting to be held in September on Native American Veteran suicide prevention in collaboration with the Native American Veterans Association.

Ms. Lesensee noted that the HNL is currently developing program evaluations for various community suicide prevention programs and is also developing a crisis response team. A priority for the HNL is grant writing for educational presentations and student mentorship programs. These programs will start with college student groups, but the HNL intends to include high school and middle school student groups as the programs grow.

Ms. Lesensee noted that programs designed to follow up from an initial suicide intervention, named "post-vention" programs, are still in the works. The HNL aims to help build an intervention/post-vention team in each community. However, the bulk of work this year has been on technical assistance to Native American communities.

Ms. Atencio said that the next steps for the HNL would be to create partnerships between UNM and the Native American Suicide Prevention Advisory Council to develop tribal programs with services aimed at local capacity building, including training, model program development and internship programs for high school through postgraduate students.

The presenters stated that the HNL will be requesting funding for the coming year to build community-based programs and to create a student development program.

The committee then entered into a general discussion, and Dr. Mauricio Tohen, chair, Department of Psychiatry, UNM, and Dr. Caroline Bonham, assistant professor, CRCBH, UNM, joined the presenters to help answer committee questions. Responding to a question about how many lives the HNL program has or could save, Dr. Bonham indicated that addressing the need for data is one of the outcomes that the HNL hopes to accomplish. The issue is two-fold: many community programs had not been gathering data; and for other programs, the data is proprietary. She said that the HNL is in the process of establishing the relationships that will foster the creation of a database.

Responding to questions by a committee member about available resources, Dr. Tohen said that the HNL has received \$100,000 per year from the state and has been able to leverage \$60,000 to \$80,000 from other sources. Dr. Bonham followed up this point by noting that UNM is partnering with Native American communities to write grants, but those grants go directly to those communities and are not reflected in the HNL's budget. On a related funding point, Dr. Tohen stated that UNM's administrative cost for the HNL program is \$5,000 of the \$100,000 annual budget.

A committee member then asked about the HNL's remaining outreach needs. Ms. Lesansee said that she is still working to get an advisory council member from the Mescalero Apache Tribe. Also, although she has been in contact with the Navajo Nation's president's office, the HNL is still in need of an advisory council member from the Eastern Navajo Nation. A committee member suggested that the HNL send a request directly to either the Naabik'iyati' committee or the health committee of the Navajo Nation Council.

Mental and Behavioral Health Programs and Services Available to Native Americans

Wayne Linstrom, Ph.D., director, Behavioral Health Services Division (BHSD), Human Services Department (HSD), introduced himself to the committee. He stated that he had only become director three months ago, but he had 43 years of experience in behavioral health programs in eight different states. Barbara Alvarez, tribal liaison, BHSD, HSD, also introduced herself, stating that she oversees six programs and is in contact with all other BHSD programs.

Dr. Linstrom then described the state's Interagency Behavioral Health Purchasing Collaborative (IBHPC). He said that the IBHPC is an initiative designed to coordinate service delivery among different behavioral health populations by integrating services from 17 different agencies. He said that the IBHPC is seeking to address two main goals: 1) how to give children the resiliency to work through challenges; and 2) how to move adults into actual recovery behavior rather than just maintaining a prescribed drug regimen. He said that a key problem for the IBHPC is that only three of the agencies, the BHSD, the Children, Youth and Families Department and the Corrections Department, have allocated funding to the collaborative.

Ms. Alvarez noted that local collaboratives (LCs) for each judicial district have included a Native American in the LC in the past. However, funding was lost over time and some of the LCs have dissolved as a result.

Dr. Linstrom then noted that the state's behavioral health contract with OptumHealth ended in 2013 and that Centennial Care took over at that time. He said that the funding for behavioral health programs has shifted under the federal Patient Protection and Affordable Care Act (ACA) and that Medicaid is now the main funding source, aside from programs within the penal system. He stated that the question now is how the IBHPC will be managed under the Centennial Care contract and the provisions of the ACA. He indicated that the challenge for the IBHPC will be the integration of the provisions for physical and mental health. Concluding his remarks, Dr. Linstrom said the fiscal year 2015 budget for the BHSD was developed with the

idea that savings created by the ACA could be shifted to supportive and preventive services and away from the current mental-health-as-an-illness type of funding that has traditionally come from Medicaid.

Ms. Alvarez then turned the committee's attention to the handout provided by the BHSD — a chart on behavioral health contracts. She noted that the chart lists who receives the contracts, what the contractors are contracted to do and who provides oversight on the contracts. She said that the BHSD is working with tribal agencies on behavioral health contracts, particularly by giving assistance to agencies to work through the state's process. She indicated the need for the BHSD to meet with tribal agencies before contract requests are finalized to make the process more transparent.

The committee then moved into a general discussion of behavioral health issues. One member noted that the Criminal Justice Reform Subcommittee is working to rewrite the Criminal Code and is looking at a program created by South Dakota for Native American offenders. Committee members indicated that South Dakota has determined that some violations are caused by behavioral health issues. Further, in those cases, South Dakota has had success in returning offenders to their communities where their behavioral health issues can be addressed using cultural methods unavailable in the state's penal system.

Following a discussion about the South Dakota program, Dr. Linstrom stated that he would research that program. He also indicated that he would try to return to the committee to report on his analysis of the program and how appropriate it might be for New Mexico.

The discussion then turned to behavioral health funding in Native American communities. Some committee members opined that behavioral health needs do not receive enough resources. Committee members also voiced concern that, when funds are allocated to address behavioral health needs in Native American communities, much of the funding is not effectively distributed and, therefore, is unused and reverts back.

Committee discussion then moved to concern about how behavioral health issues have been shifted from a treatment system to a penal system. Dr. Linstrom stated that other states were facing the same problem. He believes that successfully addressing the issue would require approaching different facets of the problem with separate solutions. Returning to his opening remarks, he said he would like to turn the focus from treatment to programs for children that build capacity to work through problems. He said that for adults already in treatment, he believes that a step-down system would be needed to move those adults off treatment. However, both ideas would take work to implement incremental programs for those populations.

The committee then recessed at 4:05 p.m.

Friday, August 29 — Pueblo of Laguna, Route 66 Casino Hotel

Representative Jeff called the meeting to order at 10:10 a.m.

Welcome Invocation and Status Update

Richard B. Luarkie, governor, Pueblo of Laguna, gave an invocation. He thanked the IAC for holding a meeting at the pueblo's facility and noted that business is going well. He then indicated that the Pueblo of Laguna has no outstanding issues to report.

Motion

The minutes of the July 14-16, 2014 IAC meeting were approved without objection.

Motion

Senator Soules moved to hold the October 30-31, 2014 IAC meeting at the Fort Sill Apache facility at Akela Flats instead of in Las Cruces. Representative Lundstrom seconded the motion and the motion passed without objection.

Discussion of Small Loan Working Group Issues

The committee was informed that the presenters for the next agenda item had been delayed, so the committee moved into a discussion of issues on small loans examined by its working group.

Committee members commented that the issue is complex. A committee member noted that the process of rolling over small, short-term loans can result in effective annual percentage rates ranging from 150% to over 1,000%. Conversely, a member commented that overly restrictive legislation might block some population groups from access to credit. Committee members noted that the United States Department of Defense has promulgated a regulation limiting military personnel to a 36% rate on short-term loans of less than 90 days. However, the result was that the loan industry moved to 91-day loans, thus making the limitation ineffective. Some committee members voiced an interest in having a representative of the Attorney General's Office who works on matters regarding financial institutions give a presentation to the committee. Several committee members commented that resolving the competing goals of consumer protection and credit access would require careful crafting of legislation. One committee member commented that the only issue that appeared to find agreement during the working group discussion was a need to increase financial education in school.

Discussion of Gaming Compacts

The committee then turned to a general discussion of the five Indian gaming compacts that are up for renewal. Representative Madalena said that he expects to hold a meeting of the Committee on Compacts in October or November. However, he said, setting a date is dependent on if and when the governor and the tribes involved reach a proposed agreement. He noted that the two areas that the Committee on Compacts would focus on would be: 1) any changes in the

renewed compacts; and 2) potential complications due to the Pueblo of Pojoaque's move to settle its compact through the federal Department of the Interior.

A member noted that the New Mexico Legislative Council had directed the IAC to dedicate a day to testimony on gaming issues that would be open for all legislators to attend. That day was scheduled as the last day on the committee's work plan, November 21, 2014.

The Process for Requesting Early-Voting Sites in Indian Country, Providing Voting Materials in Native American Languages and Participation of Native American Youth Working at the Polls

Dianna J. Duran, secretary of state (SOS), and Bobbi Shearer, director, Bureau of Elections, SOS, gave a presentation on various methods that have been used in New Mexico to serve the diversity of cultures in New Mexico on election day. They reported that election public-service announcements are being broadcast in seven different languages. They also reported that new voting machines have been purchased that can accommodate up to 10 languages. The SOS is also trying to retain language translators. The expectation for the November election is that the constitutional amendments and general obligation bonds questions will be translated into Navajo but not other Native American languages.

Responding to questions from committee members, Secretary Duran stated that:

- early voting across the state would start two Saturdays before the election; however, some voting locations in Native American communities move around during those two weeks;
- all the tabulators are in place, but new voting machines are going through extensive testing. The SOS will conduct another round of training on September 9, 2014;
- the SOS is training county clerks. The county clerks in turn train their poll workers. Most county clerks hold their training sessions close to an election so that training stays fresh in the minds of the poll workers;
- the SOS has developed a risk-management plan that is updated on a continual basis. Secretary Duran noted that the SOS is getting good feedback on the new tabulators; and
- a Tewa translation was uploaded to machines in Sandoval County. However, the SOS is still trying to get Tewa translations uploaded for the northern pueblos.

Committee members then asked about election coordinators for Native American communities. Secretary Duran noted that the SOS currently has only one Native American coordinator but has been advertising to bring in more. The SOS is looking for native language speakers with election experience. Responding to a question about court-ordered or federally

required election monitors, Secretary Duran said that Cibola County has a Native American coordinator to monitor elections and Bernalillo County has an election monitor for the Pueblo of Isleta and the To' hajiilee Chapter of the Navajo Nation.

A committee member asked if the SOS will allow voters to use stencils printed with a person's name to use to vote for write-in candidates. Ms. Shearer said that the use of stencils is not prohibited by statute, so, therefore, stencils will be allowed. The committee then had a general discussion on whether stencils would be considered a form of campaign material or electioneering. During this discussion, Secretary Duran noted that a poll worker, as opposed to a voter, would not be allowed to possess a stencil while on official duty. This would be a similar to how poll workers are not allowed to wear clothing with a candidate's name printed on it. She said that in the case of a voter wearing an election T-shirt, the voter is typically asked to remove the shirt and then return to the polling place to vote.

Responding to other questions by committee members, Secretary Duran stated the following.

- Candidates that loan money to their own campaigns are required to report that loan, but the SOS has no ability to follow up. No supporting documents are required, so the candidates are bound by the honor system.
- During the primary election in McKinley County, representatives from the SOS did not go to the polling places. Secretary Duran said that she heard that the sheriff had shown up because of some issue, but that no charges were ever filed.
- Third-party registration groups are liable under statute for marking party affiliations incorrectly. The SOS turns over reports of those instances to the local district attorneys or the Attorney General's Office. Secretary Duran said that she has heard of one instance where a third-party group had fired someone for this type of activity, but she has not heard of any court cases or convictions on this matter.

A committee member raised a question about residency requirements for candidates. Another committee member noted that the New Mexico Supreme Court had interpreted the statute to allow a candidate to have a second home outside of the candidate's district, provided that the candidate could demonstrate an "intent to return" to the district. However, Secretary Duran cited an example where a district court had determined that a warehouse was not valid for residency purposes within a candidate's district.

A committee member then asked Secretary Duran if the SOS would provide data on the number of people who used early voting sites for the primary election.

Jicarilla Apache Nation Power Authority

Ty Vicenti, president, Jicarilla Apache Nation; Nann Winter, Stelzner, Winter, Warburton, Flores, Sanchez and Dawes, P.A., special counsel, Jicarilla Apache Nation; and John Wheeler, general manager, Jicarilla Apache Nation Power Authority (JANPA), gave a presentation on the development of JANPA.

President Vicenti said that for years, the Northern Rio Arriba Electric Cooperative, Inc., (NORA) had supplied electricity to the Jicarilla Apache Nation. However, NORA's system started breaking down over time and was never rebuilt. The incident that prompted the Jicarilla Apache Nation to pursue its own electric system was a big snowstorm in Dulce. The resulting power outages and blocked highways convinced the Jicarilla Apache Nation that it needed its own electric system.

President Vicenti said that the Jicarilla Apache Nation chose to connect to the Public Service Company of New Mexico's (PNM's) electric grid. He indicated that competing power-supply options may have been less expensive but would have created power line problems with private property owners.

Ms. Winter and Mr. Wheeler then detailed some of the infrastructure that the Jicarilla Apache Nation had to acquire or build in order to establish its own power company, including: acquiring parts of the NORA line system; building 60 miles of new system line; getting rights of way from the federal Bureau of Indian Affairs; and acquiring lots of power lines, meters and switching yards. However, JANPA is now up and running and has been supplying a stronger current than the old system since April of this year.

Mr. Wheeler said that the next phase of the JANPA power plan is in process. JANPA is bringing in journeyman linemen to train apprentices from the Jicarilla Apache Nation community. He said that the intention is to eventually replace every JANPA employee, including himself, with a Jicarilla Apache Nation member.

Responding to questions from a committee member, Mr. Wheeler stated that JANPA is examining how it might incorporate alternative power sources, such as a solar field or multiple small solar installations.

In response to a question about JANPA's ownership model, Ms. Winter said that JANPA currently functions as a department of the Jicarilla Apache Nation government but that it might convert to an enterprise model once it is fully established.

Responding to a separate question about the Jicarilla Apache Nation's expectations for the Navajo/Gallup water supply project, President Vicenti stated that the Jicarilla Apache Nation would be transporting some of its water through the Cutter line portion of the project and would tap into the line on the southwest corner of the Jicarilla Apache Nation.

Update on the PNM/Navajo Nation Workforce Training Program

Cathy Newby, director, Tribal Government and Customer Engagement, PNM, and Michael D'Antonio, director, Governmental Affairs, PNM Resources, Inc., gave a presentation on the PNM/Navajo workforce training program. They said that the program was an outcome of a regional haze determination made by the federal Environmental Protection Agency (EPA). Pursuant to the National Environmental Policy Act, in promulgating its regulations, the EPA was required to consult with the Navajo Nation on economic impacts as well as the environmental impacts of PNM's generating plants.

Mr. D'Antonio noted that shutting down the plant would eliminate a lot of jobs from a community that already has a 25% unemployment rate. Ms. Newby then outlined the workforce training program, stating that it is a \$200,000 a year program that provides scholarships for students to go to Navajo Technical University or to San Juan College to train for jobs outside of the coal industry. She said the program would be in effect for five years.

Responding to a question about the environmental regulation promulgated by the EPA, Mr. D'Antonio said that two of the four units at PNM's San Juan Generating Station would be shut down and that PNM was putting emission controls on the remaining units.

A committee member then asked whether PNM has looked into capturing methane gas from its mines. Mr. D'Antonio said that PNM has not done so because its mines were underground as opposed to open-pit mines.

Responding to questions about PNM's service area and system, Mr. D'Antonio stated that:

- PNM supplies power to eight pueblos from the Pueblo of Isleta to the Pueblo of Tesuque. It also provides power to the Route 66 Casino Hotel, but does not supply power further west to the Pueblo of Laguna community;
- PNM has two huge lines that go up to Bloomfield; and
- if the Pueblo of Jemez wants to pursue an agreement with PNM similar to the one that the Jicarilla Apache Nation developed, it would have to formalize a finding of abandoned service. PNM and New Mexico electric cooperatives are bound by service boundaries. PNM cannot recruit customers outside of its service area.

Adjournment

There being no further business before the committee, the committee adjourned at 3:52 p.m.